IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2345 OF 2007
(ANTICIPATORY BAIL)

Dr. Virendrasinh Shivajirao Pawar .. Applicant
v/s.
State of Maharashtra
(At the instance of Azad Maidan Police Station,
Mumbai.) .. Respondent

Mr.A.P. Mundargi, senior counsel with Mr. S.I. Ingavale for the applicant.
Ms. M.H. Mhatre, APP for the State.

CORAM : V.C. DAGA, J.
DATED : 14TH AUGUST, 2007

P.C.

Heard learned counsel for the applicant and the learned APP.

2. This is an application under section 438 of Criminal Procedure Code for seeking bail in C.R. No. 114/2006, registered with Azad Maidan Police Station, Mumbai under section 420 read with section 511 of the IPC.

3. The present applicant is a medical practitioner. He has done his M.S., M.Ch., D.H.B. (Neurosurgery). His wife is also qualified cosmetic surgeon holding M.S., M.Ch. (Plastic Surgery). The applicant and his wife are carrying on the profession in their own hospital which is known as `City Hospital' at Rajarampuri, Kolhapur. The case of the prosecution is that in the year 2004, the

plastic surgery was done by the applicant on a person by name Gajanan Vitthal Kharat for flattening of his head with an intention to cheat the MPSC office. As per the submission of the learned APP, the investigation is still going on and all the relevant documents are seized from the custody of the present applicant. The learned APP could not demonstrate as to why the custodial interrogation is necessary.

4. In the above view of the matter, considering the role played by the present applicant, I am inclined to grant bail to the applicant subject to the following conditions:-

(a) In the event of arrest of the the applicant1 in connection with C.R. No. 114/2006, registered with Azad Maidan Police Station, Mumbai, he shall be enlarged on bail in the sum of Rs.1,00,000/- with one or two sureties to make up the said amount.

(b) The applicants shall report to Azad Maidan Police Station, Mumbai as and when called and shall co-operate with the investigating agency.

(c) The applicants shall not directly or indirectly make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before

regular court.

(e) It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

In the result, application is allowed.

(V.C. DAGA, J.)